



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3521]

MONDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 959/2026

Between:

SUNIL BANU DAS, S/O.BANU DAS,AGED 46 YEARS, R/O.
HATAIMODESCHOOL.HUDIKEWAR, NAGAPUR, STATE OF
MAHARASTRA PRESENTLY RESIDING AT H.NO.9-91/243,KHUSHI
GARDEN, WEST GANDHI NAGAR, HYDERABAD CITY, STATE OF
TELANGANA

...PETITIONER/ACCUSED

AND

THE STATE OF ANDHRA PRADESH, Rep. by Sub-Inspector of
Police, Dhone Rural Police Station, Nandyal District, Rep. by its Public
Prosecutor, High Court of A.P. at Amaravati

...RESPONDENT/COMPLAINANT

Counsel for the Petitioner/accused:

SULTANA SHAIK

Counsel for the Respondent/complainant:

PUBLIC PROSECUTOR

The Court made the following:

ORDER:

The Criminal Petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (for brevity, 'the Cr.P.C.)/Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for brevity, 'the BNSS'), seeking to quash the proceedings in Special C.C.No.01 of 2025 on the file of the learned I Additional Sessions Judge, Kurnool, in Cr.No.143 of 2023 of Dhone Rural Police Station, registered for the alleged offence punishable under Sections 20(b)(ii)(B) read with 8(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for brevity, 'the NDPS Act'), insofar as the petitioner/Accused No.3 is concerned.

2. Ms. Shaik Sultana, the learned counsel for the petitioner, submits that based on the confession given by the other accused, the petitioner/Accused No.3 was arrayed as an accused in this case. Confession before a police officer is hit by Section 25 of the Indian Evidence Act, 1872 (for brevity 'the Act'). Such confession cannot be acted upon for any purpose. Barring that confession, nothing remains as incriminating material against the petitioner, and therefore, she urged to allow the Criminal Petition.

3. *Per contra*, Ms.P. Akhila Naidu, the learned Assistant Public Prosecutor, vehemently opposed the petition and submits that some of the accused were arrested at the spot and they gave statements against the petitioner. Whether the confession is valid or admissible or hit by Section 25 of 'the Act', or

whether the principles laid down in **Tofan Singh v. State of Tamil Nadu**¹ are applicable to the case on hand, are all subject matters of trial. At this stage, by invoking the powers which are extraordinary in nature under Section 528 of 'the BNSS'/Section 482 of 'the Cr.P.C.', the proceedings cannot be quashed, and therefore, it is urged to dismiss the petition.

4. Heard the learned counsel for the petitioner and the learned Assistant Public Prosecutor. Perused the record.

5. In the light of the case of the prosecution and the contentions of the learned Counsel for both the sides, now the point for consideration is:

"Whether the proceedings in Special C.C.No.01/2025 on the file of the learned I Additional Sessions Judge, Kurnool, are liable to be quashed in exercise of the inherent powers of the High Court under Section 482 of 'the Cr.P.C.',/Section 528 of 'the BNSS'?"

6. On perusal of the entire record, it is revealed that the police, after thorough investigation, filed the charge sheet in this case against the petitioner/Accused No.3. The Investigating Officer examined as many as ten witnesses, who stated that the petitioner, along with other accused, indulged in possession and transportation of 3.5 KGs of ganja and 2.00 KGs of ganja, which was seized from the car of the petitioner/Accused No.3. Whether the principles of the Hon'ble Apex Court in **Tofan Singh supra** are applicable or not is a matter of trial. Whether the petitioner/Accused No.3 indulged in dealing with ganja is also a triable issue, to be decided by adducing evidence by the prosecution witnesses. At this stage, the voice of the prosecution

¹ (2021) 4 SCC 1

cannot be stifled by invoking the powers under Section 528 of 'the BNSS'. All the contentions of the learned counsel for the petitioner are subject matters of trial.

7. Considering the facts and circumstances of the case, the Criminal Petition is disposed of, as this Court is not inclined to invoke its extraordinary jurisdiction to quash the proceedings, inasmuch as the version of the petitioner/Accused No.3 does not fit into any of the conditions enumerated by the Hon'ble Apex Court in **State of Haryana v. Bhajan Lal**².

8. However, early disposal of Special C.C.No.01 of 2025 on the file of the learned I Additional Sessions Judge, Kurnool, is requested by the learned counsel for the petitioner. In this regard, it is highly relevant to refer the judgment of the Hon'ble Apex Court in **Abdul Rehman Antulay v. R.S. Nayak**³, wherein at paragraph No.86 (10) it is held as under:

"(10) It is neither advisable nor practicable to fix any time-limit for trial of offences. Any such rule is bound to be qualified one. Such rule cannot also be evolved merely to shift the burden of proving justification on to the shoulders of the prosecution. In every case of complaint of denial of right to speedy trial, it is primarily for the prosecution to justify and explain the delay. At the same time, it is the duty of the court to weigh all the circumstances of a given case before pronouncing upon the complaint. The Supreme Court of USA too has repeatedly refused to fix any such outer time-limit in spite of the Sixth Amendment. Nor do we think that not fixing any such outer limit ineffectuates the guarantee of right to speedy trial."

9. Further, the Hon'ble Apex Court in **High Court Bar Association, Allahabad v. State of U.P**⁴ at paragraph No.32 held as under:

² (1992) Supp (1) SCC 335

³ (1992) 1 SCC 225

⁴ AIR Online 2024 SC 143

“32. Therefore, constitutional Courts should not normally fix a time-bound schedule for disposal of cases pending in any Court. The pattern of pendency of various categories of cases pending in every Court, including High Courts, is different. The situation at the grassroots level is better known to the judges of the concerned Courts. Therefore, the issue of giving out-of- turn priority to certain cases should be best left to the concerned Courts. The orders fixing the outer limit for the disposal of cases should be passed only in exceptional circumstances to meet extraordinary situations.”

10. It is observed that the practice of giving directions to the learned Trial Courts fixing the schedule for disposal of the cases were deprecated by the Hon'ble Apex Court in **Abdul Rehman Antulay and High Court Bar Association, Allahabad** *supra*. However, the right to speedy disposal is one of the facets of the fundamental right guaranteed under Article 21 of the Constitution of India.

11. Considering the facts and circumstances of the case, the learned I Additional Sessions Judge at Kurnool, is directed to dispose of the Special C.C.No.01 of 2025 as expeditiously as possible, and submit a report to that effect to the Registrar (Judicial).

12. In the result, the Criminal Petition is disposed of.

As a sequel, Miscellaneous petitions, if any pending, shall stand closed.

DR. Y. LAKSHMANA RAO, J

Date: 09.02.2026

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THE HONOURABLE DR JUSTICE Y. LAKSHMANA RAO

CRIMINAL PETITION NO: 959 of 2026

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RSI